

UNITED STATES DISTRICT COURT

for the

District of Oregon

United States of America

v.

SAMUEL LIVINGSTON

Case No. 3:20-mj-298

Defendant(s)

**CRIMINAL COMPLAINT
BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANS**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of November 5, 2020 in the county of Clackamas in the
 District of Oregon, the defendant(s) violated:

*Code Section**Offense Description*

18 U.S.C. § 751(a)

Escape

This criminal complaint is based on these facts:

See attached affidavit of James Dorsey, Deputy US Marshal

☒ Continued on the attached sheet.

Complainant's signature

JAMES DORSEY, Deputy United States Marshal

Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by
 telephone at 2:54 ~~a~~m./p.m.

Date: December 30, 2020



Jolie A. Russo

Judge's signature

City and state: Portland, Oregon

Hon. Jolie A. Russo U.S. Magistrate Judge

Printed name and title

DISTRICT OF OREGON, ss.

AFFIDAVIT OF JAMES DORSEY

Affidavit in Support of a Criminal Complaint and Arrest Warrant

I, James Dorsey, being first duly sworn, do hereby depose and say:

Introduction and Agent Background

1. I am a Deputy U.S. Marshal of the U.S. Marshals Service (USMS) and have been so employed for approximately 1 year. I am assigned to the U.S. Marshals Service Operations Section which assists with the investigation and apprehension of fugitives.

2. This affidavit is made in support of a criminal complaint charging Samuel Livingston with escaping from the custody of the Bureau of Prisons (BOP), in violation of Title 18, United States Code, Section 751(a).

Applicable Laws

3. Title 18, United States Code, Section 751(a) provides:

(a) Whoever escapes or attempts to escape from the custody of the Attorney General or his authorized representative, or from any institution or facility in which he is confined by direction of the Attorney General, or from any custody under or by virtue of any process issued under the laws of the United States by any court, judge, or magistrate judge, or from the custody of an officer or employee of the United States pursuant to lawful arrest, shall, if the custody or confinement is by virtue of an arrest on a charge of felony, or conviction of any offense, be fined under this title or imprisoned not more than five years, or both; or if the custody or confinement is for extradition, or for exclusion or expulsion proceedings under the immigration laws, or by virtue of an arrest or charge of or for a misdemeanor, and prior to conviction, be fined under this title or imprisoned not more than one year, or both.

Statement of Probable Cause

4. The following information, facts, and occurrences are the result of my knowledge, conversations with other law enforcement officers, and from my review of reports related to this investigation. This affidavit is intended to show there is probable cause for the requested criminal complaint and arrest warrant and does not purport to set forth all of my knowledge of, or investigation into this matter. I have personally reviewed documents in our office provided by the Bureau of Prisons concerning Samuel Livingston together with documents issued by the Circuit Court for the District of Oregon, germane to this matter.

5. On November 5, 2014, Samuel Livingston was sentenced in case number 3:11-CR-00276-HZ-6 having been convicted of a violation of 18 U.S.C. § 371, Conspiracy to Commit the Crimes of Interstate Transportation of Stolen Property and Receipt, Possession and Sale of Stolen Property that Traveled in Interstate Commerce, a felony. On February 10th, 2020, Samuel Livingston, Federal Register Number 74932-065, was sentenced for a violation of the terms of his supervised release by the Honorable Judge Marco A. Hernandez, District of Oregon, and sentenced to a prison term of 12 months in the custody of the Bureau of Prisons.

6. On November 5th, 2020 the Bureau of Prisons, released Livingston from FCI Sheridan, a federal prison facility, to the Northwest Regional Reentry Center (NWRRC), in Portland, Oregon, to begin the pre-release component of his sentence.

7. As part of the release from Sheridan, Livingston signed a notice on November 5th, 2020 entitled “Escape and Abscond” that stated: “I understand that I will be placed on escape or abscond status if I: Depart the facility without authorization; fail to return to NWRRC from an authorized absence, or pass at a designated time; fail to return from an authorized absence, or pass; am arrested for a law violation. Livingston signed a second notice on November 5th, 2020

entitled “Sign In and Sign Out Log” The notice included the following admonition: “I understand that in order to exit the facility, I must provide the exact name, address, and phone number of all locations on my itinerary.”

8. On December 13th, 2020 at approximately 04:27 hours, while housed at the NWRRC and in the custody of the Bureau of Prisons, Livingston walked out of the front doors of the NWRRC without staff permission. The NWRRC staff then notified Bureau of Prisons at 06:55 hours and the U.S. Marshals Service at 07:30 hours. NWRRC Security Supervisor Mary LINDSTRAND provided documents to support the escape; to include a video of Livingston walking out of the front doors of the NWRRC wearing a black coat, blue jeans, a black duffle bag, and black and white shoes; and the Escape and Abscond agreement Livingston signed when he arrived at the NWRRC.

9. On December 16th, 2020 at approximately 03:08 hours Portland Police arrested Livingston at the NWRRC.

Conclusion

10. Based on the foregoing, I have probable cause to believe and do believe that Samuel Livingston has committed the offense of Escape, in violation of Title 18, United States Code, Sections 751 and 4082.

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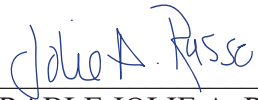
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11. Prior to being submitted to the Court, this affidavit and accompanying criminal complaint and arrest warrant were all reviewed by Assistant United States Attorney (AUSA) Greg Nyhus. AUSA Nyhus advised me that in his opinion, the affidavit and criminal complaint are legally and factually sufficient to establish probable cause to support the issuance of the requested criminal complaint and arrest warrant.

James Dorsey
Deputy United States Marshal

Sworn in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone at
~~2:54pm~~ on December 30, 2020.



HONORABLE JOLIE A. RUSSO
UNITED STATES MAGISTRATE JUDGE